

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA, INC.

against

ATTORNEY/CLIENT: CULLEN & DYKMAN, ESQS
FILE #
INDEX # 07-CIV 8359
DATE INDEX # PURCHASED:
DATE AFFIDAVIT FILED:

A & V MINIMARKET, INC., ET AL

AFFIDAVIT OF SERVICE

State of New York, County of Suffolk

I, CURTIS D. DUNCAN being duly sworn according to law upon my oath, depose and say, that deponent is not a party to this action, is over 18 years of age and resides in BAY SHORE, NY.

That on October 1, 2007 at 9:36 AM, deponent served the within named CIVIL COVER SHEET, SUMMONS & COMPLAINT, 7-1 STATEMENT & REPORT ON THE FILINGS OR DETERMINATION OF AN ACTION REGARDING PATENT OR TRADEMARK upon SAMMY'S II DELI GROCERY, INC., A NEW YORK CORPORATION, therein named. Said service was effected at 4052 WHITE PLAINS RD, BRONX, NY 10466, in the following manner;

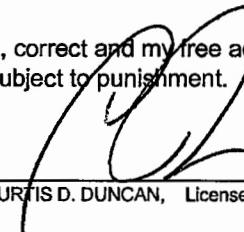
A Domestic/Foreign corporation, by delivering thereat a true copy of each to MAAMON DAHABALI personally; deponent knew said corporation so served to be the corporation described as the named recipient and knew said individual to be the MANAGER thereof, an authorized person to accept service of process.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: Male Skin: Brown Hair: Black Age(Approx): 35 Height(Approx): 5' 8" Weight(Approx): 160-170 lbs

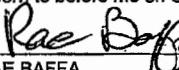
Other:

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



CURTIS D. DUNCAN, License No. 1212924

Sworn to before me on October 2, 2007


RAE BAFFA
Notary Public, State of New York
No. 4920453
Qualified in Suffolk County
Commission Expires July 5, 2010

Sworn before me on October 2, 2007

ANTHONY BAFFA
Notary Public, State of New York
No. 4974975
Qualified in Suffolk County
Commission Expires November 26, 2010

IEVEREADY
PROCESS SERVICE INC.
P.O. DRAWER 1537, STONYBROOK, NEW YORK 11790